

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/067,148	VAN DE LAVOIR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sumesh Kaushal Ph.D.	1633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/0/06.
2. ☒ The allowed claim(s) is/are 41-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 06/14/06, Kurt Mulville requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 150665 the required fee of \$120 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kurt Mulville on 06/14/06.

The application has been amended as follows:

#### **IN THE CLAIMS**

Claim 41, line 4, -- chicken – was inserted before “embryo, and”,  
line 5 -- chicken – was inserted before “embryo” and  
line 5 -- injected with said embryonic stem cells – was inserted before “wherein  
expression of the”.

Claim 50, was canceled.

## IN THE SPECIFICATION

Page 33, line 17, – (SEQ ID NO:1) – was inserted after “V6-1F  
AGTGTCTAGGGAGATGCCGTATTCA” .

Page 33, line 18, – (SEQ ID NO:2) – was inserted after “V6-1R  
ACTTCCCCTCACTGTGTCTCTTG” .

Page 33, line 21, – (SEQ ID NO:3) – was inserted after “D1-26F  
GGGCGCCTGGGTGGATTCTGA”.

Page 33, line 22, – (SEQ ID NO:4) – was inserted after “D1-26R  
GTGGCCCCCTAACCTGAGTCTGCT” .

Page 33, line 25, – (SEQ ID NO:5) – was inserted after “D1-20F  
CCCGAGCACCGTCCCCATTGA”.

Page 33, line 26, – (SEQ ID NO:6) – was inserted after “D1-20R  
GTGCCGGTGATCCCTGTCTTTCTG”.

Page 33, line 29, – (SEQ ID NO:7) – was inserted after “Mu1F  
GCGGGAGTCGGCCACCATCACG”.

Page 33, line 30, – (SEQ ID NO:8) – was inserted after “Mu1R  
AGCACAGCCGCGCCGCCAGTAG”

Page 33, line 33, – (SEQ ID NO:9) – was inserted after “Delta1F  
TGGGGAGAGGAGAGCACAGT”.

Page 34, line 1, – (SEQ ID NO:10) – was inserted after “Delta1R  
GGCGGGCGTAGGGGTCAGC”.

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest a method of creating a chimeric chicken comprising: electing chicken embryonic stem cells having a genome comprising a stably integrated transgene from a culture sustained for more than 60 days, injecting the embryonic stem cells into a recipient chicken embryo, and hatching a chimeric chicken from the recipient chicken embryo wherein expression of the stably integrated transgene is detected in at least one tissue type of the chimeric chicken.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- *van de Lavoir et al, High-grade transgenic somatic chimeras from chicken embryonic stem cells. Mech. Dev. 123(1):31-41, 2006.*


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumesh Kaushal Ph.D. whose telephone number is 571-272-0769. The examiner can normally be reached on Mon-Fri. from 9AM-5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nguyen can be reached on 571-272-0731.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to **571-272-0547**. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**

  
**SUMESH KAUSHAL**  
**PRIMARY EXAMINER**  
**ART UNIT 1633**